

District Judge James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JULIO CURY and TAKAO YAMADA,

Plaintiffs,

v.

DEPARTMENT OF STATE, and
DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

Case No. 2:23-cv-00499-JLR

JOINT STATUS REPORT

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Plaintiffs bring this matter pursuant to the Freedom of Information Act (FOIA).

Pursuant to the Court's Order (Dkt. 6), counsel for plaintiffs and for defendants met and conferred regarding the appropriate dates and other issues as directed by the Court. The parties subsequently informed the Court that they believe this case constitutes "an action for review on an administrative record" under Rule 26(a)(1)(B)(i), and is exempt from the initial disclosure requirements of Rule 26(a)(1), as well as from the requirements of Rule 26(f).

1 This Joint Status Report follows the format and paragraph numbers set out in the Court's
2 Order (Dkt. 6), with the notation "not applicable" provided for those paragraphs that address
3 matters from which the parties believe the claims in this case are exempt.

4 1. A statement of the nature and complexity of the case.

5 A. Plaintiffs' Position:

6 Plaintiffs believe this is a standard FOIA matter presenting possible issues of the
7 adequacy of the Government's production and the appropriateness of any withholdings,
8 although other issues may become apparent over the course of the case. Plaintiffs agree that, as
9 of this writing, discovery does not appear to be necessary, but they reserve the right to amend
10 this position and seek discovery should their understanding of the issues in controversy change
11 or should the Government's summary judgment evidence suggest that discovery is necessary.

12 B. Defendants' Position:

13 Defendants believe this is a standard FOIA matter presenting possible issues of the
14 adequacy of the government's production and the appropriateness of any withholdings. As
15 such, the government does not believe that any discovery would be necessary or appropriate and
16 that the case should be decided based on summary judgment briefing.

17 2. The parties believe all parties have appeared.

18 3. No, the parties do not unanimously agree to proceed before a Magistrate Judge.

19 4. The parties believe that discovery is not necessary at this time as this presently
20 appears to be a standard FOIA matter. Plaintiffs reserve the right to seek discovery if they
21 believe necessary.

22 A. Not applicable.

23 B. Not applicable.

24 C. Not applicable.

1 D. Not applicable.

2 E. Not applicable.

3 F. Not applicable.

4 5.

5 A. Not applicable.

6 B. Not applicable.

7 C. Not applicable.

8 D. Not applicable.

9 E. Not applicable.

10 F. Not applicable.

11 G. The parties agree that all relevant Government agencies will preserve all
12 information which would be potentially responsive to any of Plaintiffs' FOIA requests
13 and all discoverable information about the processing of Plaintiffs' FOIA requests.

14 H. Not applicable.

15 I. Not applicable.

16 J. Not applicable.

17 6. As stated above, it does not appear that discovery will be necessary.

18 Nevertheless, Plaintiffs reserve their right to seek discovery. Defendants reserve their rights to
19 oppose any discovery as not appropriate in a FOIA matter.

20 7. Not applicable.

21 8. Not applicable.

22 9. Not applicable.

23 10. The parties propose the following deadlines for shortening or simplifying the

24 case:

1 A. Defendants will make best efforts and work in good faith to produce all
2 documents in response to the FOIA requests on or before September 27, 2023, but cannot
3 commit to a date certain at this time;

4 B. The parties will provide a Joint Status Report on or before August 18,
5 2023, apprising the Court of the current status of Defendants' productions and proposed
6 date for completion of any outstanding productions;

7 C. The parties agree to jointly propose a schedule for cross-motions for
8 summary judgment, if necessary, after Defendants have completed any productions;

9 11. The parties do not believe trial will be required in this matter as FOIA cases are
10 most often decided through dispositive motions or settlement. The parties suggest that they
11 propose a trial schedule only if the case is not resolved through dispositive motion practice or
12 settlement.

13 12. Defendants' position is that FOIA does not provide a right to a jury-trial.
14 Plaintiffs' position is that a jury trial is occasionally appropriate in a FOIA case but that it is
15 rarely necessary.

16 13. If there is a trial, the parties anticipate it would be two days at most.

17 14. The names, addresses, and telephone numbers of all trial counsel appear below in
18 the signature blocks on this Joint Status Report.

19 15. Counsel for the parties do not have any conflicts or other complications to be
20 considered in setting the proposed schedule for dispositive motions above.

21 16. All Defendants have been served.

22 17. The parties do not wish to have a scheduling conference in advance of the Court's
23 entry of a scheduling order in the case.

24 18. Not applicable.

1 19. Counsel for the parties certify that they have reviewed Judge Robart's Chambers
2 Procedures, the Local Rules, and the applicable Electronic Filing Procedures.

3 Dated this 29th day of June 2023.

4 Respectfully submitted,

5 s/ Kel McClanahan

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